Supreme Court, U.S.
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No. 1

IN THE

Supreme Court of the United States

John D. Goelz

v.

THE PAUL REVERE LIFE INSURANCE COMPANY and HEREIN NAMED PARTIES

Supplemental Appendix To Writ of Certiorari

John D. Goelz
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HPP

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JOHN D. GOELZ,
Plaintiff – Appellant
v.
THE PAUL REVERE LIFE INSURANCE COMPANY, No. 01-1136
Defendant – Appellee,
and
PROVIDENT COMPANIES, INCORPORATED, a/k/a The Paul Revere Life Insurance company; PROVIEDNT LIFE & ACCIDENT INSURANCE COMPANY; PROVIDENT COMPANIES, INCORPORATED, their agents and assigns
Defendants,

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte.
Graham C. Mullen, Chief District Judge
(CA-99-413-3-MU)
Submitted: May 31, 2001
Decided: June 20, 2001
Before LUTTIG and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

GOELZ v. PAU REVER LIFE INSURANCE

COUNSEL

John D. Goelz, Appellant Pro Se, Erna Avari Patrick Womble, WOMBLE, CARLYLE, SANDRIDGE & RICE, Winston-Salem, North Carolina, for Appellee.

Unpublished opinions are not binding precedent In this curcuit. See Local Rule 36 (c).

OPINION

PER CURIAM:

John D. goelz appeals the district court's order Dismissing his breach of contract action for failure To prosecute. Because Goelz failed to challenge The basis for the district court's ruling in his Appellate brief, he failed to preserve this issue for review. See 4th Cir. Local R. 34 (b). Goelz's only issue on appeal concerns his challenge to removal of his case from state to federal court. This court previously advised Goelz that he could challenge the removal of his case to federal court when the district court entered a final order. Instead of proceeding with his case in good faith, he deliberately refused to participate in any proceedings in the district court. Although this court has an obligation to review jurisdictional issues regardless of whether they are raised by the parties, Bender v. Williamsport Area Sch.

Dist., 475 U.S. 534, 541 (1986), it is the court---and not the litigants – that determines how cases will be handled. See National Hockey League v. Metropolitan Hockey Club, Inc. 427 U.S. 639, 642 (1976). Because Goelz has attempted to circumvent this court's direction that the removal issue be reviewed only on appeal from a final order on the merits by refusing to participate in the district court action, and because he failed to comply with the district court's order directing him to respond to discovery requests and otherwise refused to participate in the district court proceedings, we affirm the dismissal for failure to prosecute. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFF